



General Assembly

January Session, 2009

Committee Bill No. 149

LCO No. 3992

03992SB00149TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

**AN ACT CONCERNING THE INSTALLATION OF RED LIGHT
CAMERAS BY MUNICIPALITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) For the purposes of
2 sections 1 to 3, inclusive, of this act, "automated traffic control signal
3 enforcement device" means a device that (1) is designed to
4 automatically record the image of the license plate of a motor vehicle
5 that is entering an intersection in violation of a traffic control signal,
6 and (2) indicates on the recorded image produced the date, time,
7 location of the violation and the traffic control signal.

8 (b) Any municipality may, by ordinance, authorize the installation
9 and use of automated traffic control signal enforcement devices to
10 enforce the provisions of section 14-299 of the general statutes, and
11 establish a fine not to exceed one hundred dollars for any violation of
12 said section 14-299 that is detected and recorded by such device.

13 (c) Whenever a violation of section 14-299 of the general statutes is
14 detected and recorded by an automated traffic control signal
15 enforcement device, a sworn police officer shall review the recorded

16 image. If, after such review, such officer finds probable cause that a
17 violation of section 14-299 of the general statutes has occurred, the
18 officer shall issue a citation for such alleged violation and shall, not
19 later than five days after the alleged violation, mail such citation to the
20 registered owner of the motor vehicle together with a copy of the
21 recorded image or images produced by the device. A citation shall not
22 be issued under this subsection unless a sign was posted on the street,
23 road, highway or parking area where the automated traffic control
24 signal enforcement device was used not less than thirty days prior to
25 such use providing notice to operators of motor vehicles that such
26 device may be used to enforce traffic control signal laws on such street,
27 road, highway or parking area.

28 (d) An automated traffic control signal enforcement device used by
29 a municipality pursuant to this section shall be activated and record
30 images only upon detecting the approach of a motor vehicle and a
31 probable violation.

32 (e) An automated traffic control signal enforcement device used by a
33 municipality pursuant to this section shall only be used at an
34 intersection where the duration of the yellow signal light is no less
35 than the duration of the yellow signal light recommended under
36 regulations adopted by the State Traffic Commission.

37 (f) One-half of any fine collected by a municipality pursuant to this
38 section shall be deposited in the general fund of the municipality or in
39 any special fund designated by the municipality and one-half shall be
40 paid to the State Treasurer for deposit in the Special Transportation
41 Fund.

42 (g) Any municipality that authorizes the installation and use of
43 automated traffic control signal enforcement devices pursuant to this
44 section shall report the location where any such device is installed to
45 the State Traffic Commission.

46 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) Any municipality that

47 adopts an ordinance as provided in section 1 of this act shall establish
48 by ordinance a traffic control signal violation hearing procedure in
49 accordance with this section. The Superior Court shall be authorized to
50 enforce the assessments and judgments provided for under this
51 section.

52 (b) The chief executive officer of the municipality shall appoint one
53 or more traffic control signal violation hearing officers, other than
54 police officers or persons who work in the police department, to
55 conduct the hearings authorized by this section.

56 (c) A municipality may, not later than twelve months after the
57 expiration of the final period for the uncontested payment of fines,
58 penalties, costs or fees for any alleged violation of section 14-299 of the
59 general statutes detected and recorded by an automated traffic control
60 signal enforcement device pursuant to section 1 of this act, send notice
61 to the registered owner of the motor vehicle by first class mail at such
62 person's address according to the registration records of the
63 Department of Motor Vehicles. Such notice shall inform the owner: (1)
64 Of the allegations against such person and the amount of the fines,
65 penalties, costs or fees due; (2) that such person may contest such
66 person's liability before a traffic control signal violations hearing
67 officer by delivering in person or by mail written notice not later than
68 ten days after the date thereof; (3) that if such person does not demand
69 such a hearing, an assessment and judgment shall enter against such
70 person; and (4) that such judgment may issue without further notice.

71 (d) If the person to whom notice is sent pursuant to subsection (c) of
72 this section wishes to admit liability for any alleged violation, such
73 person may, without requesting a hearing, pay, in person or by mail to
74 an official designated by the municipality, the full amount of the fines,
75 penalties, costs or fees admitted to. Such payment shall be
76 inadmissible in any proceeding, civil or criminal, to establish the
77 conduct of such person or other person making the payment. Any
78 person who does not deliver or mail written demand for a hearing by

79 the tenth day after the date of the first notice provided for in
80 subsection (c) of this section shall be deemed to have admitted liability,
81 and the designated municipal official shall certify such person's failure
82 to respond to the hearing officer. The hearing officer shall thereupon
83 enter and assess the fines, penalties, costs or fees provided for by the
84 applicable ordinances and shall follow the procedures set forth in
85 subsection (f) of this section.

86 (e) Any person who requests a hearing shall be given written notice
87 of the date, time and place for the hearing. Such hearing shall be held
88 not less than fifteen days or more than thirty days after the date of the
89 mailing of notice, provided the hearing officer shall grant upon good
90 cause shown any reasonable request by any interested party for
91 postponement or continuance. An original or certified copy of the
92 initial notice of violation shall be filed and retained by the
93 municipality, be deemed to be a business record within the scope of
94 section 52-180 of the general statutes and be evidence of the facts
95 contained therein. A person wishing to contest such person's liability
96 shall appear at the hearing and may present evidence in such person's
97 behalf. The presence of the police officer who authorized the issuance
98 of the citation shall be required at the hearing if such person so
99 requests. A designated municipal official, other than the hearing
100 officer, may present evidence on behalf of the municipality. If such
101 person fails to appear, the hearing officer may enter an assessment by
102 default against such person upon a finding of proper notice and
103 liability under the applicable ordinance or statute. The hearing officer
104 may accept from such person copies of police reports, documents of
105 the Department of Motor Vehicles and other official documents by
106 mail and may determine thereby that the appearance of such person is
107 unnecessary. The hearing officer shall conduct the hearing in the order
108 and form and with such methods of proof as the hearing officer deems
109 fair and appropriate. The rules regarding the admissibility of evidence
110 shall not be strictly applied, but all testimony shall be given under oath
111 or affirmation. The hearing officer shall announce the hearing officer's
112 decision at the end of the hearing. If the hearing officer determines that

113 the person is not liable, the hearing officer shall dismiss the matter and
114 enter the hearing officer's determination in writing accordingly. If the
115 hearing officer determines that the person is liable for the violation, the
116 hearing officer shall forthwith enter and assess the fines, penalties,
117 costs or fees against such person as provided by the applicable
118 ordinances of that municipality.

119 (f) If such assessment is not paid on the date of its entry, the hearing
120 officer shall send by first class mail a notice of the assessment to the
121 person found liable and shall file, not less than thirty days or more
122 than twelve months after such mailing, a certified copy of the notice of
123 assessment with the clerk of a superior court facility designated by the
124 Chief Court Administrator with an entry fee of eight dollars. The
125 certified copy of the notice of assessment shall constitute a record of
126 assessment. Within such twelve-month period, assessments against the
127 same person may be accrued and filed as one record of assessment.
128 The clerk shall enter judgment, in the amount of such record of
129 assessment and court costs of eight dollars, against such person in
130 favor of the municipality. Notwithstanding any provision of the
131 general statutes, the hearing officer's assessment, when so entered as a
132 judgment, shall have the effect of a civil money judgment and a levy of
133 execution on such judgment may issue without further notice to such
134 person.

135 (g) A person against whom an assessment has been entered
136 pursuant to this section is entitled to judicial review by way of appeal.
137 An appeal shall be instituted not later than thirty days after the
138 mailing of notice of such assessment by filing a petition to reopen such
139 assessment, together with an entry fee in an amount equal to the entry
140 fee for a small claims case pursuant to section 52-259 of the general
141 statutes, at a superior court facility designated by the Chief Court
142 Administrator, which shall entitle such person to a hearing in
143 accordance with the rules of the judges of the Superior Court.

144 Sec. 3. (NEW) (*Effective October 1, 2009*) Notwithstanding any

145 provision of the general statutes, a violation of section 14-299 of the
 146 general statutes detected and recorded by an automated traffic control
 147 signal enforcement device shall not constitute an infraction or
 148 violation, be processed by the Centralized Infractions Bureau, be
 149 considered a moving traffic violation, be reported to the Department of
 150 Motor Vehicles for inclusion on a person's driving record or cause the
 151 assessment of points against the operator's license of the person found
 152 to have violated said section.

153 Sec. 4. Subsection (b) of section 14-107 of the general statutes is
 154 repealed and the following is substituted in lieu thereof (*Effective*
 155 *October 1, 2009*):

156 (b) Whenever there occurs a violation of section 10a-79, 10a-92, 10a-
 157 139, 14-218a, 14-219, 14-222, 14-223, 14-224 or 14-253a, [or] sections 14-
 158 275 to 14-281, inclusive, or section 14-299 or a violation of an
 159 ordinance, bylaw or regulation of any town, city or borough in regard
 160 to parking, proof of the registration number of any motor vehicle
 161 therein concerned shall be prima facie evidence in any criminal action
 162 or in any action based on an infraction that the owner was the operator
 163 thereof, except in the case of a leased or rented motor vehicle, such
 164 proof shall be prima facie evidence in any criminal action that the
 165 lessee was the operator thereof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	14-107(b)

Statement of Purpose:

To deter motor vehicle operators from going through red lights by authorizing municipalities to install cameras that take images of motor vehicles in violation of traffic control signals and to issue tickets to the operators of those vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. DEFRONZO, 6th Dist.

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